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GOOGLE LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, et al. individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

GOOGLE LLC, *et al.*,

Defendant.

Case No. 3:20-CV-04688 RS

**DECLARATION OF EDUARDO E.
SANTACANA IN SUPPORT OF
GOOGLE LLC'S MOTION FOR
SUMMARY JUDGMENT**

Date: July 25, 2024

Time: 1:30 p.m.

Courtroom: 3, 17th Floor

Judge: Hon. Richard Seeborg

Action Filed: July 14, 2020

Trial Date: February 10, 2025

1 I, EDUARDO E. SANTACANA, declare that:

2 1. I am an attorney licensed to practice law in the State of California and am a partner
3 with the law firm of Willkie Farr & Gallagher LLP, located at 333 Bush Street, 34th Floor San
4 Francisco, California 94104, counsel for Defendant Google LLC (“Google”) in the above-
5 captioned action. Unless otherwise stated, the facts I set forth in this declaration are based on my
6 personal knowledge or knowledge I obtained through my review of corporate records or other
7 investigation. If called to testify as a witness, I could and would testify competently to such facts
8 under oath.

9 2. I submit this declaration in support of Google’s Motion for Summary Judgment filed
10 herewith.

11 3. In total, the parties in this action engaged in 48 months of fact discovery and 5
12 months of expert discovery, comprising 211,186 pages of produced documents, 1,113 pages of
13 expert reports, 2,201 pages of expert depositions, and 4,239 pages of witness deposition
14 transcripts. Additionally, Magistrate Judge Tse issued 21 Orders resolving 25 discovery disputes.

15 4. Two appendices accompany this declaration. Appendix A contains evidentiary
16 material supporting Google's motion for summary judgment. It consists of 20 file-stamped
17 versions of documents previously filed in this action and 3 newly-filed documents.

18 5. There are 4 documents in Appendix A that contain redactions for portions that were
19 sealed pursuant to a prior Court Order in this case on a Motion to Seal. The unredacted portions of
20 these documents are included in Appendix B. Because the Court has already issued Orders sealing
21 the redacted portions of the documents in Appendix B, and the versions previously filed with
22 court-approved redactions are contained in Appendix A, Google has not filed Appendix B on the
23 docket. Instead, Google has provided Appendix B to the Court through a courtesy eBinder and
24 physical binder, with e-service to Plaintiffs’ counsel.

25 ***Appendix A***

26 6. Attached hereto as Appx. A, Tab A1 is a true and correct copy of the Declaration of
27 Andrew Rope in Support of Google’s Motion to Dismiss Plaintiffs’ First Amended Complaint,
28 which was filed at ECF No. 65 on December 17, 2020. This document compiles versions of the

1 Google Analytics for Firebase Terms of Service dated April 17, 2019 and October 1, 2018, and
2 the Google Analytics for Firebase Use Policy dated May 17, 2017.

3 7. Attached hereto as Appx. A, Tab A2 are true and correct copies of archived versions
4 of Google Analytics for Firebase Terms of Service, including the following:

5 Google Analytics for Firebase Terms of Service, last updated May 18, 2016, downloaded on
6 March 28, 2024, available at:

7 <https://web.archive.org/web/20170307063138/https://firebase.google.com/terms/analytics>; Google
8 Analytics for Firebase Terms of Service, last updated May 17, 2017, downloaded on March 28,
9 2024, available at:

10 [https://web.archive.org/web/20200812055821/https://firebase.google.com/terms/](https://web.archive.org/web/20200812055821/https://firebase.google.com/terms/analytics/20170517)
11 [analytics/20170517](https://web.archive.org/web/20200812055821/https://firebase.google.com/terms/analytics/20170517); Google Analytics for Firebase Terms of Service, last updated October 1,
12 2018, downloaded on March 28, 2024, available at:

13 [https://web.archive.org/web/20200813203704/https://firebase.google.com/terms/](https://web.archive.org/web/20200813203704/https://firebase.google.com/terms/analytics/20181001)
14 [analytics/20181001](https://web.archive.org/web/20200813203704/https://firebase.google.com/terms/analytics/20181001); Google Analytics for Firebase Terms of Service, last updated April 17, 2019,
15 downloaded on March 28, 2024, available at: [https://web.archive.org/web/20230405151442/](https://web.archive.org/web/20230405151442/https://firebase.google.com/terms/analytics)

16 [https://firebase.google.com/terms/analytics](https://web.archive.org/web/20230405151442/https://firebase.google.com/terms/analytics); Google Analytics Terms of Service, last updated June
17 17, 2019, downloaded on March 28, 2024, available at:
18 [https://web.archive.org/web/20231225155302](https://web.archive.org/web/20231225155302/https://marketingplatform.google.com/about/analytics/terms/gb-20190617/)

19 [/https://marketingplatform.google.com/about/analytics/terms/gb-20190617/](https://web.archive.org/web/20231225155302/https://marketingplatform.google.com/about/analytics/terms/gb-20190617/); Google Analytics
20 Terms of Service, last updated May 15, 2023, downloaded on March 28, 2024, available at:
21 [https://web.archive.org/web/20240326120914/](https://web.archive.org/web/20240326120914/https://marketingplatform.google.com/about/analytics/terms/us/)

22 [https://marketingplatform.google.com/about/analytics/terms/us/](https://web.archive.org/web/20240326120914/https://marketingplatform.google.com/about/analytics/terms/us/).

23 8. Attached hereto as Appx. A, Tab A3 is a true and correct excerpt of the Declaration
24 of Sal Cataldo in Support of Class Certification, which was filed at ECF No. 315-5 on July 20,
25 2023.

26 9. Attached hereto as Appx. A, Tab A4 is a true and correct excerpt of the Declaration
27 of Susan Harvey in Support of Class Certification, which was filed at ECF No. 315-6 on July 20,
28 2023.

1 10. Attached hereto as Appx. A, Tab A5 is a true and correct excerpt of the Declaration
2 of Anibal Rodriguez in Support of Class Certification, which was filed at ECF No. 315-7 on July
3 20, 2023.

4 11. Attached hereto as Appx. A, Tab A6 is a true and correct excerpt of the Declaration
5 of Julian Santiago in Support of Class Certification, which was filed at ECF No. 315-8 on July 20,
6 2023.

7 12. Attached hereto as Appx. A, Tab A7 is a true and correct copy of Appendix A to my
8 prior declaration in support of Google's opposition to class certification, which was filed at ECF
9 No. 323-1 on August 24, 2023. This document contains a collection of the following publicly
10 available Google policies, all of which were downloaded on August 23, 2023: Google's Privacy
11 Policy dated June 28, 2016; the "How Google uses your data for ads" webpage from Google's
12 Privacy and Terms, published on September 26, 2016; the "Advertising" webpage from Google's
13 Privacy and Terms, published on June 29, 2016; the "Key Terms" from Google's Privacy and
14 Terms, published on June 27, 2016; and, the "How Google uses data when you use our apps"
15 webpage from Google's Privacy and Terms, published July 18, 2016.

16 13. Attached hereto as Appx. A, Tab A8 is a true and correct copy of the Google
17 Analytics for Firebase webpage downloaded on August 24, 2023 from
18 firebase.google.com/docs/analytics. This document was previously filed at ECF No. 324-1 on
19 August 24, 2023 as Exhibit 1 to my prior declaration in support of Google's opposition to class
20 certification.

21 14. Attached hereto as Appx. A, Tab A9 is a true and correct copy of the "[GA4]
22 Automatically collected events" webpage, downloaded on August 24, 2023, from
23 <https://support.google.com/firebase/answer/9234069?hl=en>. This document was previously filed
24 at ECF No. 324-4 on August 24, 2023 as Exhibit 4 to my prior declaration in support of Google's
25 opposition to class certification.

26 15. Attached hereto as Appx. A, Tab A10 is a true and correct copy of an excerpt of an
27 internal Google document titled "GEO Privacy Champion," produced with the Bates stamp
28 GOOG-RDGZ-00161364. The version included at Tab A10 was filed publicly at ECF 364-2 on

1 January 25, 2024, following the Court's January 3, 2024 order on Google's Motion to Seal. An
2 unredacted version of this document appears at Appx. B, Tab B2.

3 16. Attached hereto as Appx. A, Tab A11 are true and correct excerpts of the Expert
4 Report of Jonathan Hochman, which was served on March 22, 2023. The version included at Tab
5 A11 was filed at ECF 361-58 on January 25, 2024, following the Court's January 3, 2023 Order
6 on Google's Motion to Seal.

7 17. Attached hereto as Appx. A, Tab A12 is a true and correct copy of Appendix E to
8 the Expert Report of Jonathan Hochman, titled "Ad Campaigns and Conversion
9 Tracking/Modeling," which was served on March 22, 2023. The version included at Tab A12 was
10 filed publicly at ECF 361-59 on January 25, 2024, following the Court's January 3, 2023 Order on
11 Google's Motion to Seal.

12 18. Attached hereto as Appx. A, Tab A13 is a true and correct copy of an excerpt of
13 Google's Responses and Objections to Plaintiffs' Interrogatory No. One. The Response at p. 4-5
14 was served on December 4, 2020. The Supplemental Response at p. 5-6 was served on February
15 26, 2021. The Second Supplemental Response at p. 6-7 was served on June 8, 2021. The Third
16 Supplemental Response at p. 7-17 was served on August 4, 2021. The Fourth Supplemental
17 Response at p. 17-32 was served on November 5, 2021. The version included at Tab A13 was
18 filed publicly at ECF 364-1 on January 25, 2024, following the Court's January 3, 2023 Order on
19 Google's Motion to Seal. An unredacted version of this document appears at Appx. B, Tab B3.

20 19. Attached hereto as Appx. A, Tab A14 is a true and correct copy of an excerpt of an
21 internal Google document titled "App Attribution in GAA," produced with the Bates stamp
22 GOOG-RDGZ-00056514. The version included at Tab A14 was filed publicly at ECF 364-2 on
23 January 25, 2024, following the Court's January 3, 2024 order on Google's Motion to Seal. An
24 unredacted version of this document appears at Appx. B, Tab B4.

25 20. Attached hereto as Appx. A, A15 are true and correct excerpts of the deposition
26 transcript of Steve Ganem taken on October 28, 2022. The version included at Tab A15 was filed
27 publicly at ECF 364-3 on January 25, 2024, following the Court's January 3, 2024 order on
28 Google's Motion to Seal.

1 21. Attached hereto as Appx. A, Tab A16 is a true and correct copy of Appendix X4 to
2 the Rebuttal Expert Report of John Black, served with Dr. Black's report on May 31, 2023. This
3 document was previously filed at 364-4, with certain components inadvertently cut off in the
4 docket filing. It is reattached here in full.

5 22. Attached hereto as Appx. A, Tab A17 are true and correct excerpts of the deposition
6 transcript of Sal Cataldo taken on February 17, 2022. The version included at Tab A17 was filed
7 publicly at ECF No. 364-6 on January 25, 2024, following the Court's January 3, 2024 order on
8 Google's Motion to Seal.

9 23. Attached hereto as Appx. A, Tab A18 are true and correct excerpts of the deposition
10 transcript of Belinda Langner taken on December 15, 2022. The version included at Tab A18 was
11 filed publicly at ECF No. 364-7 on January 25, 2024, following the Court's January 3, 2024 order
12 on Google's Motion to Seal.

13 24. Attached hereto as Appx. A, Tab A19 are true and correct excerpts of the deposition
14 transcript of Michael Lasinski taken on June 29, 2023. The version included at Tab A19 was filed
15 publicly at ECF No. 364-7 on January 25, 2024, following the Court's January 3, 2024 order on
16 Google's Motion to Seal.

17 25. Attached hereto as Appx. A, Tab A20 are true and correct excerpts of the deposition
18 transcript of plaintiffs' expert, Jonathan Hochman, taken on June 26, 2023. The version included at
19 Tab A20 was filed publicly at ECF 364-19 on January 25, 2024, following the Court's January 3,
20 2024 order on Google's Motion to Seal.

21 26. Attached hereto as Appx. A, Tab A21 is a true and correct excerpt of the Rebuttal
22 Expert Report of John R. Black, Ph.D. dated May 31, 2023. The version included at Tab A21 was
23 filed publicly at ECF No. 364-20 on January 25, 2024, following the Court's January 3, 2024
24 order on Google's Motion to Seal.

25 27. Attached hereto as Appx. A, Tab A22 is a true and correct copy of an excerpt of
26 Google's Responses and Objections to Plaintiffs' Interrogatory Nos. 15 & 16. The version
27 included at Tab A22 was filed at ECF 364-1 on January 25, 2024, following the Court's January 3,
28 2023 Order on Google's Motion to Seal.

28. Attached hereto as Appx. A, Tab A23 is a true and correct copy of the “Log Events” webpage, downloaded on March 27, 2024, from <https://firebase.google.com/docs/analytics/events?platform=android>.

Appendix B

29. Appendix B contains unredacted versions of certain documents that appear redacted in Appendix A. The Court has previously ruled on sealing the unredacted information in Appendix B in prior motions to seal. The versions in Appendix A are all versions filed with court-approved redactions following a respective Order on a Motion to Seal..

30. Attached hereto as Appx. B, Tab B1 is a true and correct unredacted copy of Appendix E: Ad Campaigns and Conversion Tracking/Modeling, from the Expert Report of Jonathan E. Hochman, dated March 22, 2023 (filed at ECF 314-5 as Exhibit 6 to Plaintiffs’ Motion for Class Certification).

31. Attached hereto as Appx. B, Tab B2 is a true and correct unredacted excerpt of “Google GEO Privacy Champion” (GOOG-RDGZ-00161364), dated July 20, 2023 (filed at ECF 314-7 as Exhibit 7 to Mao Declaration in support of Plaintiffs’ Motion for Class Certification).

32. Attached hereto as Appx. B, B3 is a true and correct copy of excerpts from Defendant Google LLC’s Fourth Supplemental Responses and Objections to Plaintiffs’ Interrogatories, Set One, dated November 5, 2021, (filed at ECF 324-2 as Exhibit 2 to Google’s Opposition to Plaintiff’s Motion for Class Certification).

33. Attached hereto as Appx. B, Tab B4 is a true and unredacted correct copy of App Attribution in GAA (GOOG-RDGZ-00056514), dated October 13, 2023 (filed at ECF 341-6 as Exhibit 3 to Google’s Opposition to Plaintiffs’ Motion for Class Certification).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: April 4, 2024

/s/ Eduardo E. Santacana
Eduardo E. Santacana